

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BEATRICE DE LA GARZA,

Plaintiff,

v.

NATIONWIDE PROPERTY AND
CASUALTY INSURANCE COMPANY,

Defendant.

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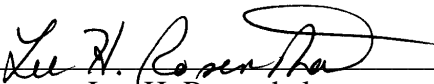
CIVIL ACTION NO. H-10-0710

ORDER

This is a suit to recover insurance proceeds and damages under the Texas Insurance Code, § § 541.060 and 541.061. The defendant, Nationwide Property and Casualty Insurance Company, timely removed and filed a verified plea in abatement. (Docket Entry No. 6). Nationwide argues that the plaintiffs violated the Texas Insurance Code requirement that a plaintiff seeking damages under the statute must give the defendant prior written notice of the complaint and the amount of damages sought, including fees, “not later than the 61st day before the date the action is filed.” TEX. INS. CODE § 541.154. Nationwide asked this court to abate the suit until the 61st day after De La Garza provided the statutory written notice of their claims under the statute. De La Garza responded. (Docket Entry No. 7). She stated that she will send Nationwide a second notice and comply with the 60-day abatement period. The plea in abatement is denied as moot. This case is

stayed until 60 days after De La Garza provides Nationwide with proper written notice under the Texas Insurance Code.

SIGNED on April 23, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge